



California Fair Political Practices Commission

April 29, 1986

Eugene S. Wilson
Attorney at Law
249 East Fourth Avenue
Escondido, Ca 92025

Re: FPPC Advice No. A-86-107

Dear Mr. Wilson:

Thank you for your letter dated April 3, 1986, concerning the campaign disclosure provisions of the Political Reform Act.

Because you have not requested advice on behalf of a specifically identified person, this letter does not constitute advice under Gov. Code Section 83114. Rather, this letter addresses the questions in general terms in order to provide interpretive guidelines. (See 2 Cal. Adm. Code Section 18329, copy enclosed.)

I have enclosed for your information two opinions issued by the Fair Political Practices Commission which address the questions you have asked concerning cumulation of contributions from an individual and a corporation, partnership or trust in which the individual has an interest. (Thomas G. Lumsdon, 2 FPPC Opinions 140 (No. 75-205); Harry H. Kahn, 2 FPPC Opinions 151, (No. 75-185)) As you can see from these two opinions, the law on these questions is fairly clear.

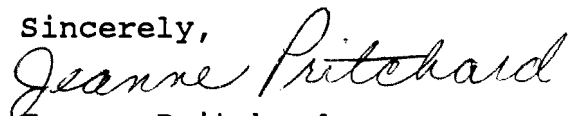
When an individual makes contributions from his or her personal funds and also makes contributions from any other funds over which the individual has control, the individual and the entities from which the contributions are made are a "combination of persons" (Gov. Code Section 82013) which must aggregate their contributions for the purpose of qualifying as a committee. In addition, the individual and the entities are "acting in concert" (Gov. Code Section 82047) with regard to making the contributions and, therefore, the contributions must be cumulated for disclosure purposes.

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The hypotheticals you presented -- contributions of less than \$100 each from five sources of funds over which Mr. Smith has control -- would certainly indicate that the contributors are a "combination of persons" who are "acting in concert" and, therefore, all contributions must be aggregated for the purpose of qualifying as a committee and must be cumulated for the purpose of disclosure. In addition, Mr. Smith would be required to inform the candidate that the contributions are required to be cumulated. The candidate would be required to report the name and other required information for each individual, corporation, partnership or trust which made the contribution, and must indicate that all contributions from these sources are cumulated.

I hope this information will help you in determining when contributions must be cumulated. If you have a specific question you would like us to address, please write to us again, identify the persons on whose behalf you are requesting advice, and we will provide advice pursuant to Gov. Code Section 83114.

Sincerely,



Jeanne Pritchard
Division Chief, Technical
Assistance & Analysis Division

JP:kt

Enclosures

EUGENE S. WILSON

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RUSH REQUEST FOR LEGAL OPINION

Fair Political Practices Commission
P.O. Box 807
Sacramento, California 95804

Attn: Legal Opinion

Dear Commission:

I would like to request counsel's opinion in writing as to whether or not a cumulative amount of \$100.00 or more has been received from a person under Government Code sections 82047 and 84211 in each of the following circumstances.

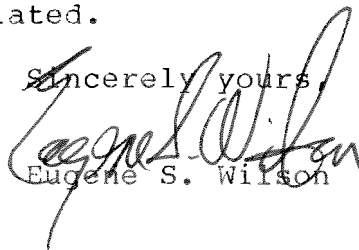
Any combination of two of the following checks are tendered to a city council candidate's controlled campaign committee two months before the city council election:

1. Mr. Smith's personal check in the amount of \$95.00;
2. A check in the amount of \$95.00 from a closely--held corporation of which Mr. Smith is the president;
3. A check in the amount of \$95.00 from a closely-held corporation of which Mr. Smith is a major shareholder;
4. A check in the amount of \$95.00 from a funded inter vivos trust of which Mr. Smith is the settlor;
5. A check in the amount of \$95.00 from a partnership in which Mr. Smith is a partner.

I hope that you will be able to provide some insight to me into the reasoning upon which you base your conclusion in view of the above-cited code sections and other applicable law.

Further, I would like to add that I am currently participating in a campaign committee which is facing the above-described problem. The apparent uncertainty in the law on this question is a pressing problem for that committee, and your early response to this inquiry would be most appreciated.

Sincerely yours,


Eugene S. Wilson